

**Community Planning and Economic Development Department – Planning Division**  
**Rezoning and a Variance**  
**BZZ-1451**

**Date:** December 8, 2003

**Applicant:** Project for Pride in Living

**Address of Property:** 4515 55<sup>th</sup> Avenue South

**Contact Person and Phone:** Sarah Larson on behalf of Project for Pride in Living, (612) 874-3317

**Planning Staff and Phone:** Hilary Watson, (612) 673-2639

**Date Application Deemed Complete:** November 4, 2003

**End of 60-Day Decision Period:** January 3, 2004

**End of 120-Day Decision Period:** Not applicable

**Ward:** 8      **Neighborhood Organization:** Field Regina Northrup Neighborhood Group

**Existing Zoning:** R1A

**Proposed Zoning:** R2B

**Proposed Use:** Duplex

**Previous Actions:** None

**Concurrent Review:**

**Rezoning:** petition to change the zoning classification for the subject property from R1A to R2B in order to allow a duplex

**Variance:** to reduce the minimum lot area from 10,000 square feet to 4,760 square feet (47.6 percent)

**Background:** Project for Pride in Living is proposing to construct a duplex on the property located at 4515 5<sup>th</sup> Avenue South. The total square footage of the duplex is 1,800 square feet. The front unit is proposed to be 1,300 square feet and the back unit is proposed to be 500 square feet. The back unit is also being designed as an accessible unit. The site is zoned R1A. Duplexes are not allowed in this zoning district. This development requires a rezoning to the R2B zoning district to allow a duplex and a lot area variance from 10,000 square feet, which is required for a duplex, to 4,760 square feet, which is the size of the lot.

**Neighborhood Review:** In a letter dated June 11, 2003, the Field Regina Northrup Neighborhood Group stated its support for the rezoning and the lot area variance as proposed by Project for Pride in Living.

**Attachments:**

1. Description of the project
2. Variance findings and surrounding uses map
3. May 22, 2002 letter from CM Robert Lilligren
4. June 11, 2003 letter from the Field Regina Northrup Neighborhood Group
5. Zoning map
6. Minneapolis land use map
7. Site, elevation and floor plans
8. Photographs of the site and surrounding area

**REZONING**

**Zoning Plate Number:** 31

**Legal Description:** Lot 27, Block 8, F A Savages Portland Avenue Addition to Minneapolis

**Findings as Required by the Minneapolis Zoning Code:**

**1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

The site is located in a low-density residential area. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will grow by increasing its supply of housing.
- Support the development of infill housing on vacant lots.
- Improve the availability of housing options for its residents.
- Maintain areas that are predominantly developed with single and two family structures.
- Infill development must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding one and two family structures.

The applicant is proposing to construct a duplex on a vacant lot. According to the land use map provided by the applicant the area has been developed primarily as a single-family neighborhood. There are three duplexes on the same block and one four-plex located within one block of the subject property. The proposed duplex would be completely surrounded by single-family homes. The proposed duplex does maintain the setbacks and orientation of the surrounding structures. The proposed duplex is a two-story structure with vinyl siding. The surrounding structures range between one and two stories and have a variety of exteriors.

**2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.**

The property is currently zoned R1A. This zoning district does not allow duplexes. This application is in the interest of the property owner.

**3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The site is surrounded by R1A zoning. There are areas of both R2B and R4 zoning in the neighborhood. Single-family homes surround the subject site. In addition to the high number of single-family homes in the area, there are three duplexes on the same block and one four-plex within one block of the subject site. Within two blocks of the subject site there is also a gas station, an elementary school and the Greater Minneapolis Crisis Nursery. Given that the subject site is surrounded by single-family homes in the R1A zoning district staff does not believe that R2B zoning would be compatible with the surrounding area.

**4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

There are reasonable uses of the property permitted under the R1A zoning district. The R1A zoning district is a low-density residential district. Permitted uses in the R1A district include, but are not limited to, the following:

- Single-family dwellings.
- Community residential facilities serving six (6) or fewer persons.
- Community gardens.

**5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

Within this area of Minneapolis there has not been a change in zoning or in the type of development. The neighborhood has been and still remains a low-density residential neighborhood.

**VARIANCE** - to reduce the minimum lot area from 10,000 square feet to 4,760 square feet (47.6 percent)

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Lot size:** A new duplex in the R2B zoning district requires a minimum lot size of 10,000 square feet. The maximum allowable lot size variance is 30 percent for most uses. However, for newly constructed two-family dwellings a variance of up to 55 percent is allowed in the R2B zoning district when the surrounding properties are primarily two-family dwellings on lots of similar size to the proposed development. If the surrounding properties are not primarily duplexes, then the variance should not be granted.

There is no definition of “primarily” or “surrounding” in the zoning code. Staff has interpreted surrounding to mean the other properties on the same block face as well as those behind the site and across the street from the site. However, the inclusion of properties behind a site and across the street from a site has to be evaluated on a case by case basis depending on the street layout, lot platting, and zoning (commercial and industrial properties should not be included). Primarily means for the most part, so staff has determined this to be more than fifty percent of the surrounding properties.

On the 5<sup>th</sup> Avenue South block face (the east side of the street) there are 12 lots. Ten of the lots contain single-family homes, one is a duplex and the subject site is vacant. The block face is primarily single-family homes. If the area were expanded to include the block face on the west side of 5<sup>th</sup> Avenue South and the west side of Portland Avenue South, then an additional 25 lots would be included. Of the 25 lots 23 contain single-family homes and 2 contain duplexes. Out of a total of 37 lots, 33 contain single-family homes, 3 contain duplexes and the subject site is vacant. The surrounding area is not primarily duplexes.

The applicant is seeking a variance to reduce the minimum lot area from 10,000 square feet to 4,760 square feet (47.6 percent). In order to approve this variance staff would need to find that the surrounding properties are primarily two-family developments on lots of similar size to the proposed development. Based on the information submitted by the applicant and City records, staff cannot make such a finding.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Lot size:** The code recognizes that lots in the R2B zoning district that are surrounded primarily by duplexes on similar sized lots are a unique condition that may justify granting a lot size variance. In this particular situation the block face on which the lot is located is not primarily duplexes nor is the surrounding area. Therefore a unique condition does not exist.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Lot size:** The intent of the ordinance is to allow variances greater than 30 percent and up to 55 percent where the area is primarily duplexes. In this particular situation the block face on which the lot is located is not primarily duplexes nor is the surrounding area. Staff believes that constructing a duplex on the subject site would be out of character with the surrounding properties.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Lot size:** The applicant proposes to include a two-car garage, so the proposed development should not increase congestion on the public streets. The use of the property for a duplex will not increase the danger of fire or be detrimental to the public welfare.

### **RECOMMENDATIONS**

#### **Recommendation of the Community Planning and Economic Development Department – Planning Division for the rezoning:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **deny** the rezoning petition to change the zoning classification from R1A to R2B in order to allow a duplex for the property located at 4515 5<sup>th</sup> Avenue South.

#### **Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to reduce the minimum lot area from 10,000 square feet to 4,760 square feet (47.6 percent) for the property located at 4515 5<sup>th</sup> Avenue South.